



WHISTLER

MINUTES | OPPORTUNITY FOR PUBLIC COMMENT OF MUNICIPAL COUNCIL TUESDAY, JUNE 6, 2017 STARTING AT 7:34 P.M.

In the Franz Wilhelmsen Theatre at Maury Young Arts Centre – Formerly
Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4

PRESENT

Mayor: N. Wilhelm-Morden

Councillors: S. Anderson, J. Crompton, J. Ford, J. Grills, A. Janyk,
S. Maxwell

Chief Administrative Officer, M. Furey
General Manager of Infrastructure Services, J. Hallisey
General Manager of Corporate and Community Services, N. McPhail
General Manager of Resort Experience, J. Jansen
Director of Planning, M. Kirkegaard
Director of Corporate, Economic and Environmental Services
Director of Financial Services, K. Roggeman
Economic Development Officer, T. Metcalf
Economic Development Analyst, J. Chen
Acting Municipal Clerk, N. Best
Manager of Communications, M. Comeau
Emergency Program Coordinator, E. Marriner
Planner, C. Beaubien
Recording Secretary, M. Kish

ABSENT: Councillor A. Janyk

This Opportunity For Public Comment is convened pursuant to Section 59(2) of the *Community Charter* to allow the public to make representations to Council respecting matters contained in “Tourist Accommodation Regulation Bylaw No. 2142, 2017” (the “proposed Bylaw”).

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address and print your name on the speaker list at the podium.

Members of Council may, ask questions following presentations however, the function of Council at a Opportunity For Public Comment is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Opportunity For Public Comment,

PURPOSE OF TOURIST ACCOMMODATION REGULATION BYLAW NO. 2142, 2017

In general terms, the purpose of the proposed Bylaw is to establish licence requirements and regulations for various types of tourist accommodation businesses and business activities; prevent unlicensed and unlawful tourist accommodation business activities, including marketing and providing accommodation or lodging to paying guests for properties without proper zoning; and to establish operating and services requirements for properties defined to be hotel businesses.

For properties that are defined in the Bylaw to be a hotel, all units are to be operated under a single hotel business licence. Individual unit owners will not be eligible to obtain a business licence to conduct a tourist accommodation business outside of the single hotel business licence. For strata titled properties that are subject to the Strata Property Act, a 3/4 resolution of the strata corporation authorizing the licence application is required. Hotel businesses are also required to have the specified front desk, housekeeping and building maintenance services.

Submissions

Mayor Wilhelm-Morden called for submissions by the public.

Jan Poulson #402 – 4369 Main Street

- Commented that he is confused as he believes the Public Hearing and the Opportunity for Public Comment are dealing with the same subject.
- Commented that he deems the Alpenglow is not set up as a hotel and thus it will not work to set up a front desk under a single operator commenting that it was never set up that way in the design and is not applicable.
- Informed that his comments from the Public Hearing for Bylaw 2140 applies to this Bylaw and that he is against the proposed bylaw.
- Commented that the bedcap has constantly changed after being assured of what the bedcap was when he bought his property.
- Commented that he believes there will be legal action taken with regards to the bylaw if it passes.

Craig MacKenzie #454 – 4338 Main Street

- Commented that he is in favour of the bylaw.
- Commented that he sees that there will be implementation issues.
- Commented that Tourism Whistler has had problems with statutory declarations in the Village from owners as to whether they are renting their properties or not so now everyone pays the full common and commercial fee.
- Commented that in the Village there are 200 to 300 properties per year that change hands so there is that many potential business licence changes and operator changes.

- Commented that he believes that it would be better for Phase 1 and Phase 2 properties to hold a business licence.
- Commented that he believes that the RMOW has not explained why they are asking people to hold a business licence.
- Commented that he believes that the RMOW has negotiated with Airbnb where there will be a field for properties to display their business licences which will make it easier for staff to enforce the rentals where allowed as well as where they are not allowed.
- Commented that administratively it will be a challenge.
- Commented that he believes the fee is too high saying that if you increase the numbers you could decrease the rate.
- Informed that the Business Licence section on the RMOW Website said that he was unauthorized to view the fees for business licences and commented that if you want people to be able to comment on things you should make it easier for them to find the information.

Sylvia Koltzenburg- 8512 Drifter Way

- Commented that she was there on behalf of the Airbnb community at large.
- Informed that Airbnb emailed all the homeowners who are renting in Whistler that the bylaw was going to be changing.
- Commented that she disagreed with the Mayor's comments around Airbnb rental issues regarding lack of garbage collection, sidewalks and medical emergencies where a guest did not know the address or subdivision of the home they were staying in and that Airbnb should be happy with the 8000 units that are available to them.
- Commented that she had brought 22 million dollars into the community by going door to door prior to the Olympics to contract 475 homes to place 2700 RCMP.
- Commented that home sharing is driving millions of dollars of economic activity into cities around the world and provides guests with an affordable, comfortable place to stay and that Whistler can reap the economic benefit from home sharing.
- Shared that her family built and owned an authentic Austrian chalet B&B Haus Dorle for 30 years and promised her father that she would take care of it.
- Commented that the only way she can afford to keep the promise is to find an income stream.
- Commented that she has had wonderful and disastrous experiences with rentals for workers coming to Whistler for the season or longer and that over the last 10 years as paid over \$250,000 in repairs from renting the chalet and approximately \$47,000 in the last 5 years from tenants who have trashed the suite who have no regard for private property.
- Informed that she had spoken to Councillor Crompton about making her home available to over 30 year olds only but found that due to high costs of living or relationship break ups the tenants had to break their lease leaving her to go through the process of renting for the 3rd time in 5 months.
- Commented that she contacted hotels and businesses offering her home to their employees but was informed that they were only looking for housing for 19-25 year olds.

- Informed that she housed 8 kids from Ontario via Airbnb who were living for 5 weeks in a one room hotel as they could not find accommodation. She said that she had received threatening letters from the RMOW that she would be charged a \$1000 per night fine if she did not remove her tenants and when she replied that they should do their homework she never heard back.
- Commented that she had written several letters to the RMOW voicing her concerns about the trash and storage issues in her neighborhood and was informed by the Bylaw Officer that she could not expect Alpine to have the same level of cleanliness that residents in Whistler Cay or Nicklaus North did which she said hurt as she pays taxes just like the residents of the other neighborhoods.
- Commented that she only wants to cover the costs of maintaining her chalet when she selectively rents a few times per year via Airbnb.
- Commented that she was fully prepared to pay business taxes, resort fees or whatever additional fees the RMOW was going to impose as she thought the RMOW was attempting to legitimize Airbnb rentals.
- Commented that the RMOW out of 130 so called illegal residential rentals singled her out and reported to the Pique.
- Commented that she was shamed via a civil suit filed in January of 2017.
- Commented that she was asked to sign a "Letter of Consent" within 5 days, one week before Christmas that she would no longer be offering her chalet for rent less than 30 consecutive days.
- Commented that for 3 months of legal arguing back and forth that cost her thousands of dollars and has left her dream of retiring in Whistler uncertain she is now considering selling her chalet and leaving the place she does not feel comfortable in.
- Commented that she was made a scapegoat in the pursuit of showing that action was being taken to help alleviate the housing crisis.
- Commented that she would like the RMOW to reconsider proposed city regulations that would ban home sharing from residential neighborhoods saying that this is not an all or nothing situation saying that perhaps there is a happy medium where homeowners are granted a specific number of days a year allowing Airbnb rentals during peak holiday periods under a business licence.

Lisa Johnson-Stott – 24-8030 Nicklaus North Boulevard

- Informed that she moved to Whistler 20 years ago and that the illegal accommodation issue has been on the table for a long time.
- Informed that it was a problem when she owned her B and B in White Gold and that collectively with the B and B Association of Whistler they tried to put an end to it at that time.
- Commented that she is now a realtor in Whistler and she also has a boutique property management company where she manages four homes in Nicklaus North; one of which is hers and from absentee owners.
- Commented that she was incensed to have received a generic email from Airbnb challenging our resort bylaws and heard that Tofino residents received the same email.

- Commented that she finds that a foreign company based in Ireland interfering in our local bylaws irresponsible and wrong.
- Commenting that she is talking about an Airbnb basis on rentals. As a realtor she decided to look through the Airbnb and VRBO websites and can identify 32 property's operating illegally.
- Commented that she has seen a huge decline in enquires for her rentals and believes that it is because according to Airbnb algorithms her rates are too high as they are comparing her properties to other properties on Airbnb are illegal properties.
- Commented that she is collecting GST that goes to the government, people on resort lands are paying hotel tax of which 2% goes to the resort marketing and all the legal nightly rentals in Whistler have seen a decline in their nightly revenues because people in Whistler feel they have the right to open their spare room or their house and do it illegally.
- Commented that she has problems with insurance as she has been told that due to all the claims made from Airbnb rental issues her insurance is now 3 times higher.
- Commented that she contacted the business licencing department and was told that all she had to do was pay the licence fee under her company name for all her business which would mean just one fee for her four properties but that she must list the addresses of the homes so that they can be confirmed as legally zoned.
- Commented on the situation we are now facing in Whistler with the critical lack of housing where kids are being gouged by unethical landlords on rental fees and living in poor conditions, having to work three jobs to stay in Whistler.
- Commented that this is a start to getting a handle on the illegal rental situation and encouraged all the people who have invested in legal nightly rental properties to get behind this business licencing.

Brian Hatton-2110 Castle Drive

- Commented that he agreed with the previous presenter saying he believes that properties should be used for how they are zoned.
- Commented that he is just a regular home owner living next door to a B&B property.
- Informed that there were no issues for years but 6 years ago it was sold to a family who used it on weekends and he was told that they were not interested in using it as a B&B but later started using it for Airbnb rentals.
- Commented that there is no one living and operating the property which is specifically zoned as a B&B and must have an operator in residence.
- Commented that he has called police and bylaw regarding noise and parking and late night use of the hot tub and is looking forward to the bylaw passing to finally have these issues resolved.

Mayor Wilhelm-Morden called three times for submissions by the public.

MINUTES

Opportunity for Public Comment: Tourist Accommodation Regulation Bylaw No. 2142, 2017

June 6, 2017

Page 6

Correspondence Nikki Best, Acting Municipal Clerk, indicated that there were three (3) letters of correspondence for the proposed bylaw, 22 against the proposed bylaw and one (1) neutral submission for the proposed bylaw.

ADJOURNMENT

Hearing no further comments, the Public Hearing adjourned at 8:00 p.m.

Mayor, N. Wilhelm-Morden

Acting Municipal Clerk, N. Best